REMARKS

This Amendment is submitted in response to the Office Action mailed September 18, 2006. Claims 1-9 remain pending in the application prior to this Amendment, and claims 5-9 stand rejected. Claims 1-4 were withdrawn from consideration in view of a restriction requirement. Claim 5 has been amended and claim 6 has been canceled herein. Applicant respectfully requests reconsideration in view of the following remarks.

Claims Rejected Under 35 U.S.C. §102

Claim 5 stands rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,651,998 to Bertschi et al. Claim 5 is directed to a method of forming an automotive interior trim assembly in a two-shot molding operation, and has been amended herein to recite:

> forming a substrate member defining one of an automotive instrument panel, an interior door trim panel, an armrest, or a console by injecting a first material during the first shot of the molding operation;
>
> co-injecting second and third materials onto the substrate member to form a cover member on the substrate member during the second shot of the molding operation, wherein the second material is an outer pliable layer and the third material is an inner compressible layer; and
>
> covering the inner compressible layer with the outer pliable layer during the co-injecting step.

Support for this amendment to claim 5 can be found with reference to the Specification at paragraph 0014. Amended claim 5 also incorporates the subject matter of originally filed claim 6, which has been canceled accordingly.

Applicant asserts that amended claim 5 is not taught, or even suggested, by Bertschi '998. Specifically, Bertschi '998 fails to teach or suggest "forming a substrate member defining one of an automotive instrument panel, an interior door trim panel, an armrest, or a console by injecting a first material during the first shot of the molding operation," or "co-injecting second and third materials onto the substrate member to form a cover member on the substrate member . . . wherein the second material is an outer pliable layer and the third material is an inner compressible layer." Specifically, Bertschi '998 is directed to a molding system for forming multiple layered articles wherein materials may be sequentially or simultaneously injected through a plurality of injection nozzles. There is no teaching or suggestion in Bertschi '998 to form an automotive instrument panel, an interior door trim panel, an armrest, or a console. Bertschi '998 also does not teach or suggest forming a cover layer on such a substrate, using an outer pliable layer and an inner compressible layer, as set forth in amended claim 5. For at least these reasons, Applicant respectfully requests that the rejection of claim 5 over Bertschi '998 be withdrawn.

Claims Rejected Under 35 U.S.C. §103

Claims 5-8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application No. 2004/0017023 to Schoemann et al. in view of U.S. Patent No. 6,627,134 to Thomson. Claim 5 is the only independent claim of this rejected group. Applicant respectfully traverses the rejection of claim 5 because Schoemann '023 fails to teach or suggest each and every element of claim 5, and the combination

with Thomson '134 fails to cure this deficiency. Specifically, the Examiner admits that Schoemann '023 "does not teach co-injecting a third material," and "does not teach that second and third materials are outer pliable and inner compressible layers formed during a co-injected step." (Office Action dated September 18, 2006 at page 4.) Rather, Schoemann '023 is directed to a method of forming vehicle trim panels using two materials, wherein a movable mold element is repositioned to create an additional space within the mold for receiving a second material to be overmolded atop a first material. Similarly, Thomson '134 is directed to an apparatus for simultaneously injecting two materials to form a multi-layered article. Accordingly, neither Schoemann '023 nor Thomson '134 teach or suggest forming an automotive interior trim assembly using three materials, as set forth in claim 5.

Other than Applicant's own disclosure, there is no teaching or suggestion to introduce a third material to be co-injected with a second material to form the claimed automotive interior trim assembly. The Federal Circuit has held that "[i]t is impermissible to use the claimed invention as an instruction manual or 'template' to piece together the teachings of the prior art so that the claimed invention is rendered obvious. . . . One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to depreciate the claimed invention." In re Fritch, 23 USPQ.2d 1780, 1784 (Fed. Cir. 1992) (citation omitted). "The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification." In re Fritch, 23 USPQ.2d 1780, 1783-84 (Fed. Cir. 1992).

As discussed above, there is no teaching or suggestion, aside from hindsight analysis using Applicant's disclosure, to utilize a third material in a two-shot co-injection process in the manner set forth in claim 5. For at least these reasons, Applicant respectfully requests that the rejection of claim 5 over Schoemann '023 in view of Thomson '134 be withdrawn.

Claims 6-8 each depend from independent claim 5, and are therefore in condition for allowance for at least the reasons discussed above for claim 5. Accordingly, Applicant respectfully requests that the rejections of claim 6-8 over Schoemann '023 in view of Thomson '134 be withdrawn.

Claim 9 stands rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Schoemann '023 and in view of Thomson '134, in further view of U.S. patent No. 6,899,363 to Dry. Claim 9 depends from independent claim 5. Applicant respectfully traverses this rejection of claim 9 because the combination of Schoemann '023 and Thomson '134 fails to establish a *prima facie* case of obviousness as discussed above with respect to claim 5, and further combination with Dry '363 fails to cure these deficiencies. Specifically, Dry '363 is directed to a method of forming a vehicle trim component using <u>two materials</u> that are sequentially injected in a two-shot molding process. Dry '363 does not teach or suggest utilizing a <u>third material</u> to be co-injected with the second material.

Moreover, Dry '363 fails to teach or suggest that the third, injected material "is thermoplastic elastomer foam," as set forth in claim 9. Rather, Dry '363 at col. 1, lines 15-20, merely discloses the conventional method of forming a trim assembly by

covering a foam pad with a cover material. Dry '363 does not teach or suggest co-injecting a foam material during a second step of a two-shot molding process. For at least the reasons discussed above, Applicant respectfully requests that the rejection of claim 9 over the combination of Schoemann '023, Thomson '134, and Dry '363 be withdrawn.

Conclusion

In view of the foregoing amendments to the claims and the remarks set forth herein, Applicant believes this case is in condition for allowance and respectfully requests allowance of the pending claims. If the Examiner believes any matter requires further discussion, the Examiner is respectfully asked to telephone the undersigned attorney so that the matter may be promptly resolved. The Examiner's prompt attention to this matter is appreciated.

Applicant is of the opinion that no fee is due as a result of this communication. However, if any such fee is due, please apply such fees or credits necessary to complete this communication to Deposit Account No. 23-3000.

Respectfully submitted,

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